

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DAVID E. GREENE, :  
Plaintiff, : Case No. 3:07CV034  
vs. : District Judge Thomas M. Rose  
XENIA POLICE DEPARTMENT, : Magistrate Judge Sharon L. Ovington  
et al. :  
Defendants.

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**ORDER**

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The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #24), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on November 29, 2007 (Doc. #24) is ADOPTED;
2. Defendants Motion to Dismiss Plaintiff's Complaint Under Fed. R. Civ. P. 37(d) and 41(b) (Doc. #18) is GRANTED;
3. Plaintiff is ordered to pay \$1,801.18 as costs resulting from his failure to appear for his deposition; and,
4. This case is terminated on the docket of this Court.

December 18, 2007

**s/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge